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GP 1636

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ioannis Moutsatosos et al.

Serial No.: 09/148,234

Filed: September 4, 1998

For: GENETICALLY ENGINEERED CELLS WHICH EXPRESS BONE MORPHOGENETIC PROTEINS

: Group Art Unit: 1636

: Examiner: W. Sandals

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to:
The Assistant Commissioner for Patents,
Washington, D.C., 20231

Date   9/5/00

Nina Reel

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Asst. Commissioner for Patents
Washington, DC 20231

Sir:

Applicant hereby appeals to the Board from the decisions of the Primary Examiner mailed February 28, 2000 and March 2, 2000   finally rejecting claims 11-23 .

The item(s) checked below are appropriate:

1. **STATUS OF APPLICANT**

This application is on behalf of

 __x__ other than a small entity

 __ small entity

Verified statement

 __ attached

 __ already filed on _____

2. **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 CFR 1.17(e) the fee for filing the Notice of Appeal is:

_ small entity $150

 X other than a small entity $300

Notice of Appeal fee due $**300**

3. **EXTENSION OF TERM**

NOTE: The time periods set forth in 37 CFR 1.191 are subject to the provision of § 1.136 for patent applications 37 CFR 1.191(d). (But see 37 CFR 1.645 for extension of time in interference proceedings and 37 CFR 1.550(c) for extension of time in reexamination proceedings.)

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(a) **x** Applicant petitions for an extension of time under 37 CFR 1.17(a)-(d) for the total number of months checked below:

_	one month	$ 110	$ 55
_	two months	$ 380	$190
x	three months	$ 870	$435
_	four months	$1,360	$680

FEE $ 870

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

_   An extension for ____ months has already been secured and the fee paid therefor of $_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request $_____

or

(b) _ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE:

The total fee due is:

Notice of Appeal fee **$ 300**
Extension fee (if any) **$ 870**

TOTAL FEE DUE $ 1170.00

5. FEE PAYMENT

X Attached is a check in the sum of **$1170.00**

_ Charge Account No. 07-1969 the sum of **$ 1170.00**
A duplicate of this transmittal is attached

6. FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

X If any additional extension and/or fee is required charge Account No. 07-1969.

AND/OR

X If any additional fee for claims is required charge Account No. 07-1969.

Donna M. Ferber
Reg. No. 33,878

GREENLEE WINNER and SULLIVAN, P.C.
5370 Manhattan Circle, Suite 201
Boulder, CO 80303
Phone: (303) 499-8080
Fax: (303) 499-8089
email: winner@greenwin.com
Atty. Docket No.: 314-002
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